

Message Text

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ACTION EA-09

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R 121158Z JAN 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 6018

DISTENGR JAPAN CAMP ZAMA JAPAN

INFO AMCONSUL NAHA

DA WASHINGTON DC

DIVENGR USAEDPO FT SHAFTER HAWAII

AREAENGR OKINAWA AREA OFC ZUKERAN JAPAN

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E.O. 11652: N/A

TAGS: MARR JA

SUBJ: OKINAWA REVERSION: EX GRATIA PAYMENTS

REF: DISTENG JAPAN CAMP ZAMA 090725Z JAN 76 (NOTAL)

1. WE AGREE WITH THE ASSESSMENT REFTEL THAT APRIL 1 CUT OFF DATE FOR ADDITIONAL CLAIMS PROPOSED BY FONOFF IS FEASIBLE, AND THAT IT IS IMPERATIVE TO KNOW HOW MUCH ADDITIONAL WORK WILL BE REQUIRED OF THE REAL ESTATE DIVISION TO COMPLETE THE ARTICLE 4.3 PROGRAM. PRIMARY NEW WORK LOAD APPEARS TO BE THE 4,000 PARCELS UNDERLYING 4 FORMER AIRFIELDS WHOSE OWNERS HAVE NOW DECIDED TO PRESS FOR EX GRATIA PAYMENTS.

2. IT WOULD BE UNFEASIBLE TO DENY TO THESE CLAIMANTS RECOURSE TO OUR EX GRATIA PAYMENTS. C PARCELS INVOLVED INCURRED DAMAGE BOTH DURING AND BEFORE PERIOD COVERED BY ARTICLE 4.3 PROGRAM AND THUS INVOLVED POSSIBLE PAYMENTS FROM BOTH GOVERNMENTS. THE CLAIMANTS ORIGINALLY TURNED DOWN ORALLY OUR INFORMA OFFER OF A PARTIAL SETTLEMENT BUT THIS WAS BASED ON THEIR UNDERSTANDING THAT ACCEPTANCE OF OFFER WOULD CONSTITUTE A WAIVER OF THEIR CLAIM VIS A VIS THE GOJ. GOJ HAS NOW CLARIFIED THAT IT WILL NOT PAY FOR

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DAMAGES COVERED BY EX GRATIA PROCEDURE, AND THE CLAIMANTS ARE

ASKING THAT THEIR CASE BE PROCESSED. THE CUT OFF PROCEDURE
WILL FLUSH OUT LAST OF THESE CASES BUT IN THE MEANTIME WE CANNOT
ARGUE THAT CUT OFF IS ALREADY EFFECTIVE.

3. OUR FINDINGS AND CONCLUSIONS ARE (1) USG MUST PROCESS 4,000
PARCELS TO DISCHARGE ARTICLE 4.3 RESPONSIBILITY. (2) IT IS NECESSARY
TO REQUEST THAT PHASE OUT SCHEDULE OF REAL
ESTATE DIVISION BE EXTENDED TO FULFILL
THIS OBLIGATION. (3) THE LENGTH OF EXTENSION REQUIRED WILL BE
DETERMINED BY THE WORK LOAD DISCOVERED IN THE SURVEY OF THE
CLAIMS FILED WITH DFAB MINUS ANY IMPROVEMENTS WE CAN MAKE
IN THE PROCEDURE FOR ADMINISTERING THE CLAIMS SUCH AS THE PRO-
CEDURE SUGGESTED IN PARA C OF REFTEL. HOWEVER WE ARE NOT SANGUINE,
IN VIEW OF PREVIOUS HISTORY OF THIS PROBLEM, THAT PREFECTURAL
GOVERNMENT OR THE GOJ WILL AGREE TO TAKE A MAJOR ROLE IN PROCESSING
THE CLAIMS, EVEN IF WE CAN PROVIDE THEM ADMINISTRATIVE EXPENSES.
ADDITIONALLY, WE WONDER IF ADMINISTRATIVE EXPENSES CAN BE MADE
AVAILABLE AS A SEPARATE ITEM FOR EITHER GOJ OR USG ADMINISTRATION
COSTS. FOR SECSTATE: WOULD APPRECIATE KNOWING IF WE CAN OFFER
ADMIN COSTS.

4. FOR FORT SHAFTER: WE BELIEVE REAL ESTATE DIVISION SHOULD
BE AUTHORIZED TO BEGIN HANDLING AIRFIELD CLAIMS AS SOON AS
POSSIBLE IN ORDER THAT ULTIMATE PHASE-OUT OF RED CAN BE
EXPEDITED. WE WILL BE IN BETTER POSITION TO KNOW PRECISE
AMOUNT OF TIME REQUIRED FOR EXTENSION WHEN CLAIM SURVEY
AND DISCUSSIONS ON ADMINISTRATION COST SHARING COMPLETED,
HOPEFULLY IN FEBRUARY.

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